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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,054	06/14/2000	Michael Kaplan	07844-427001	7627

21876 7590 01/06/2009
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

NOTIFICATION DATE	DELIVERY MODE
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01/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL KAPLAN,
KIRK B. GOULD and BRANDYN WEBB

Application 09/594,054
Technology Center 2100

Mailed: January 5, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 14, 2006. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, ARGUMENTS

A review of the file finds that the arguments with respect to each grounds of rejection as provided in the Appeal Brief filed February 22, 2006

under the heading “Argument” have not been clearly provided. Each grounds of rejection must be treated under a **separate heading** in accordance with 37 CFR 41.37(c)(1)(vii) (2005). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

Appellants have not provided the necessary headings and/or subheadings for arguments which correspond to each grounds of rejection. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 5, August 2006) for details.

PROPOSED AMENDMENT

Appellants filed a proposed amendment on May 24, 2007. There is no indication on the record that the Examiner has considered the above proposed amendment.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed February 22, 2006 defective;
- 2) for notification to appellants to file a paper which corrects the “Argument” section of the February 22, 2006 Appeal Brief;
- 3) for consideration of said paper;
- 4) for acknowledgement and consideration of the proposed amendment filed May 24, 2007; and

Application No. 09/594,054

5) for such further action as may be appropriate.

PSB

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